

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

OCT 1 2021

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

THE ECLIPSE GROUP LLP, a California
limited-liability partnership,

Plaintiff-Appellant,

and

STEPHEN M. LOBBIN,

Intervenor-Plaintiff,

v.

TARGET CORPORATION, a Minnesota
corporation,

Defendant-Appellee,

and

AMAZON.COM, INC., a Delaware
corporation; et al.,

Defendants.

No. 20-55206

D.C. No.

3:15-cv-01411-JLS-BLM
Southern District of California,
San Diego

ORDER

Before: KLEINFELD, CALLAHAN, and HIGGINSON,* Circuit Judges.

Judges Callahan and Higginson have voted to deny the petition for panel rehearing. Judge Callahan has voted to deny the petition for rehearing en banc,

* The Honorable Stephen A. Higginson, United States Circuit Judge for the U.S. Court of Appeals for the Fifth Circuit, sitting by designation.

and Judge Higginson so recommends. Judge Kleinfeld has voted to grant the petition for rehearing and recommends voting to grant the petition for rehearing en banc. The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35. The petition for panel rehearing and the petition for rehearing en banc are denied.

Stephen Lobbin's motion to intervene to seek reconsideration and panel rehearing or rehearing en banc (Dkt. No. 52) is denied.